



# CITY OF MEMPHIS

## COUNCIL AGENDA

October 19, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (October 5, 2004)**

## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** amending Chapter 21, Article 10, "Vehicle Equipment and Loads", relating to installation of television or electronic equipment and the use thereof, up for F I R S T reading.  
Jones Ordinance No. 5084

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE- SECOND READING (none)

### ZONING ORDINANCE - FIRST READING

2. **ORIDNANCE** rezoning the west side of Leath Street; +280 feet south of Jackson Avenue, containing 0.1147acre in the Multiple Family Residential (R-MM) District, up for F I R S T reading.  
Peete Ordinance No. 5085  
Case No. Z 04-128

Applicant: Neighborhood Christian Center  
ETI –Corporation – Rodney Joyner – Representative

Request: Mixed Use (MU) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTD: Adopt the ordinance on First reading

### ZONING ORDINANCE - SECOND READING

3. **ORDINANCE** rezoning the south side of Holmes Road; +/-429 feet east of Airways Boulevard, containing 42.96 acres in the Single Family Residential (R-S8) and Multiple Dwelling Residential (R-ML Districts), up for S E C O N D reading.  
Peete Ordinance No. 5083  
Case No. Z 04-132

Applicant: William H. Thomas, Jr.

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

4. RESOLUTION approving final plat of PETERSON RIDGE SUBDIVISION, SECTION A.  
Case No. S 03-043cc  
Contract No. CR-4894

Resolution approves the final plat located on the west side of Billy Maher Road, 314.77 feet south of Fiske Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

5. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 04-340cc – HACKS CROSSING PLANNED DEVELOPMENT  
2<sup>ND</sup>, AMENDMENT

Located on the west side of Hacks Cross Road; +/-1,124.08 feet south of Shelby Drive, containing 27.72 acres and is governed by Hacks Crossing Planned Development, Amended(P.D. 96-324cc)

Applicant: Hacks Cross Partners, G.P.  
Farris-Matthews-Branan, PLC(Homer Branan, III) – Representative

Request: Planned development amendment to permit single family residential In Parcel ‘B’ and to create Parcel ‘E’ to permit Planned Commercial (C-P) and Parcel ‘F’ to permit General Office (O-G) District uses Within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

- B. Case No. PD 04-347cc – PEPPERMILL PLANNED DEVELOPMENT

Located on the north side of Macon Road; +809.28 feet east of Appling Road, containing 9.74 acres in the Agricultural (AG) and Agricultural Flood Plain (AG[FP]) Districts

Applicant: David Miller  
Michael J. Fahy – Representative

Request: A planned development to permit 56 single family detached lots with a Minimum 3,622 lot size within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

- C. Case No. PD 04-348cc - STONE SHADOWS EAST PLANNED DEVELOPMENT

Located on the north side of Holmes Road; +483.14 feet west of Gertrude Street, containing 6.627 acres in the Agricultural (AG) District

Applicant: Loyal Featherstone  
Michael J. Fahy – Representative

Request: A planned development to permit 20 single family detached lots with a minimum lot size of 10,000 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 04-353

Located on the east side of Mendenhall Road; +124 feet north of Princeton Avenue, containing 1.459 acres in the Single Family Residential (R-S6) District

Applicant: Sovereign Builders, LLC  
SR Consulting, LL – Cindy Reaves – Representative

Request: A planned development to permit 10 single family detached lots with a minimum of lot size of 4,876 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. PD 04-336 – COTTONWOOD PINES ESTATES PLANNED DEVELOPMENT

Located on the north side of Cottonwood Road; +/-78.20 feet east of Knight Road, containing 4.18 acres in the Single Family Residential (R-S6) District

Applicant: Katrina Walker  
Universal Design Group – Representative

Request: Planned development to permit a three (3) story seventy-six (76) unit independent living facility, including associated accessory uses within the Outline Plan

LUCB and OPD recommendation: REJECTION

F. Case No. PD 04-352 – DEWITT PLANNED DEVELOPMENT

Located on the south side of U.S. Highway 64; +/-1,200 feet east of Washington Road, containing 5.0 acres in Agricultural (AG) District

Applicant: DeWitt Power Products (Jim DeWitt)  
ETI Corporation – Representative

Request: Planned development to permit Planned Commercial (C-P) District uses within the Outline Plan, including an outdoor storage yard

LUCB and OPD recommendation: REJECTION

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: November 9, 2004**



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## MLGW FISCAL CONSENT

6. RESOLUTION awarding Contract No. 10988, Electric and System Operations UPS and Generator Replacement, to Tri-State Armature and Electrical Works, Inc. in the amount of \$617,985.00.
7. RESOLUTION approving Change Order No. 9 to Contract No. 10569, Interactive Voice Response System, with Nortel Networks in the amount of \$121,400.00.
8. RESOLUTION approving Changer Order No. 5 to Contract No. 10705, Oracle Software License, with Oracle, Inc. in the amount of \$43,010.00.
9. RESOLUTION approving Change Order No. 1 to Contract No. 10979, Network Maintenance, with Venture Technologies in the amount of \$147,712.69.
10. RESOLUTION approving Renewal of Contract No. 10766, Employee Benefit Dental Plan, with Delta Dental Plan of Tennessee in an estimated amount of \$269,136.00.
11. RESOLUTION approving Renewal and two Amendments to Contract No. 10870, Preferred Provider Organization Coverage, with Health Choice, LLC in an estimated amount of \$31,000,000.00 based on plan participants.
12. RESOLUTION approving Renewal of Contract No. 10871 HMO Benefit Group Agreement, with Aetna U.S. Healthcare, Inc. in an estimated amount of \$890,003.00.
13. RESOLUTION approving Renewal of Contract No. 10897, Medical Benefit Provider, with CIGNA Healthcare, Inc. in an estimated amount of \$2,720,955.00.
14. RESOLUTION approving Renewal of Contract No. 10905, Third Party Medical Plan Administrator, with Claims Management Services, Inc. in an estimated amount of \$800,000.00.
15. RESOLUTION awarding 36-month contract for luminaries as follows:

American Electric Lighting c/o Ruffin & Associates.....	\$1,932,790.44 (approx.)
Cooper Lighting Division c/o Yoder-Brickey Sales.....	<u>1,115,321.10 (approx.)</u>
Total:	\$3,048,111.54(approx.)
16. RESOLUTION awarding contract for galvanized steel expressway poles to Utilicor in the amount of \$93,750.00.
17. RESOLUTION awarding contract for telecommunications power system to LaMarch Manufacturing Company in the amount of \$29,854.21.
18. RESOLUTION awarding contract to Novell, Inc. for services to migrate and upgrade to GroupWise 6.5 and ZENworks 4 in the amount of \$101,500.00. approximately.
19. RESOLUTION awarding contract for radio equipment to Motorola % Integrated Communications, Inc. in the amount of \$64,333.20.
20. RESOLUTION awarding 60-month contract for URD fittings as follows:

Stuart C. Irby Company.....	\$266,285.00 (approx.)
Tennessee Valley Electric Supply Company.....	<u>3,411.882.07 (approx.)</u>
Total:	\$3,678,167.07(approx.)

21. RESOLUTION awarding 36-month contract for heavy duty cab and chassis to Mid-America International Trucks, Inc. in the amount of \$5,140,340.00, approximately.
22. RESOLUTION awarding 36-month contract for trenching machines to Ditch Witch Mid-South in the amount of \$498,995.00, approximately.
23. RESOLUTION awarding contract for light duty cab and chassis to Lewis Ford in the amount of \$179,675.00.
24. RESOLUTION approving salaries S-75123 through S-75124.
25. RESOLUTION approving payment for membership dues for one year beginning 5/1/04 in the amount of \$68,208.16 to American Public Power Association.
26. RESOLUTION approving W.R. No. C1G69666 in the amount of \$100,000.00 for installation of fiber optic cable from Substation No. 76 to Substation No. 4.
27. RESOLUTION approving Change Order No. 1 to Contract No. 10998, Financial Services Consultant, with Stephen R. Pace in the amount of \$88,000.00.
28. RESOLUTION awarding emergency contract to Converged Solutions Group for purchase and installation of remote communication modules with 48 ports in the amount of \$30,000.00, approximately. This award is to establish a temporary call center at the Training Center due to the emergency evacuation of the current call center at the Netters Business Operations Center.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

29. RESOLUTION honoring Willie Mitchell.(Held from 8/17)  
Peete

ACTION REQUESTED: Adopt the resolution

30. APPOINTMENTS  
Marshall

#### Appointment

Urban Art Commission

Dan Keel

#### Reappointments

Civilian Law Enforcement Review Board

Mrs. Alma Morris

Mr. Edward Stanton

Dr. Frances Walker

### GENERAL ORDINANCE - THIRD AND FINAL READING

31. **ORDINANCE** to amend Chapter 2, Article IX, Code of Ordinances, City of Memphis, so as to update the Occupational Safety and Health Program Section, up for T H I R D and F I N A L reading.

Marshall

Ordinance No. 5081

ACTION REQUESTED: Take whatever action Council deems advisable

### EXECUTIVE DIVISION

32. RESOLUTION appropriating \$600,000.00 in G.O. Bonds General in CIP Project IS01011, Critical Network Infrastructure Replacement. This project will provide funding to replace the City's core ring routers which are a critical components of the City's fiber ring that will not be supported after Dec. 31, 2004.

Sammons

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

**DIVISION OF GENERAL SERVICES**

33. RESOLUTION including Underground Storage Tanks, CIP Number GS01002 as part of the FY2005 Capital Improvement Program. Resolution seeks to transfer an allocation and appropriation of \$58,346.00 in A/E funds to construction funds, funded by G.O. Bonds General.

Jones

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION accepting an offer from D. Canale Beverage, Inc. to purchase City owned property known as -0-Tennessee St., in the amount of \$700.00.

Jones

Resolution accepts an offer from D. Canale Beverage, Inc. to purchase the property known as -0- Tennessee St. identified by the Shelby County Assessor's Office as Ward 012,, Block 056 and Parcel 006. The subject was acquired by the City in Tax Sale #10, March, 1996 for delinquent taxes. The amount of the offer is \$700.00. Per ordinance, the sale of the subject parcel is NOT subject to the offer laying over for a future Council meeting to allow for an increase of Bid. Therefore, resolution approval shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

35. RESOLUTION authorizing the sale of City owned vacant land at 1075 Rozelle (03103000011) in the Glenview Area in the amount of \$500.00, to Maudeania Moore.

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES**

36. RESOLUTION to recognize certain positions in Police Services, Fire Services and Public Services as appointed and exempt from Civil Services and to clarify the status of these employees.

Marshall

ACTION REQUESTED: Adopt the resolution

**LAW DIVISION**

37. RESOLUTION appropriating the sum of \$2,200,000.00 in litigation fees and expenses funded by G.O. Bonds General, chargeable to the FY2005 Capital Improvement Budget and credited to Convention Center, CIP Project Number PS02003.

Mitchell

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PARK SERVICES**

38. RESOLUTION amending the FY 2005 Capital Improvement Budget by transferring an allocation and appropriation in the amount of \$3,440.00 from PK07030 Wagner Park A/E to Construction. Furthermore, resolution appropriates \$286,000.00 in PK07030, Construction, funded by G.O. Bonds-General.

McCormick

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION amending the FY 2005 Capital Improvement Budget by transferring an allocation in the amount of \$100,553.00 from PK07033 McFarland Park, Construction, to PK07037 Godwin Park, Construction. Furthermore, resolution appropriates \$386,553.00 in PK07037, Construction, funded by G.O. Bonds-General.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (none)

**DIVISION OF PUBLIC SERVICES** (none)

**DIVISION OF PUBLIC WORKS**

40. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$661,610.00 in G.O. Bond Funds from Minor Streets project number PW01039 to Corrine Avenue at First Tee project number PW01120 for construction contract with Ferrell Paving.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION appropriating \$5,989,979.00 in Sewer Funds for Wolf River/Gray’s Creek Interceptor Sewer Extension project number SW04004 for construction contract with Robinson Mechanical Contractors, Inc. dba Robinson Construction Company.

Hooks

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$28,399.00 in Sewer Funds from Service to Unsewered Area project number SW03001 to 3925 Old Coleman Road Sewer Extension project number SW03006 for construction contract with Argo Construction.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$135,817.00 in Sewer Funds from Rehab Existing Sewers project number SW02001 to Sixth Street Sewer Relocation, project number SW02043 for construction contract with Argo Construction.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION transferring an allocation of \$54,137.00 in G.O. Bonds and appropriating \$128,145.00 G. O. Bond Funds to be deposited in the Local Government Investment Pool account for South Parkway Bridge over IC R/R, project number PW02006.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$5,000.00 in Sewer Funds from Rehabilitation of Existing Sewers, project number SW02001 to South East Parkway over I.C. R/R Sewer Relocation, project number SW02058 for construction and Local Government Investment Pool contract with the State of Tennessee.

Hooks

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution



46. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$178,913.00 in G.O. Bonds from Bridge Repair project number PW02001 to South Parkway Bridge over CNIC R/R, project number PW02011 to be deposited in the Local Government Investment Pool account.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCES - THIRD AND FINAL READING**

47. **ORDINANCE** rezoning an area bounded on the north by Frayser Boulevard, on the south by the north parcel lines of the third parcel on the west side of Benjestown Road from Whitney Avenue and the north parcel line of the second parcel from Whitney Avenue on Benjestown Road, and on the west and east by the back parcel lines along Benjestown Road, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5082  
Case No. RC 04-402

Applicant: Division of Planning and Development  
Terry Emerick, Planning Director – Representative

Request: Establish the above location along Benjestown Road as a  
Residential Corridor as recommended by the Frayser  
Comprehensive Plan

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**420 NOTICES MAILED ON OCTOBER 8, 2004**

48. **ORDINANCE** rezoning an area generally bounded on the north by the Loosahatchie River, on the east by the I.C. Railroad, on the south by the Wolf River, and on the west by the Mississippi River, up for T H I R D and F I N A L reading. (Held from 9/21)

Peete

Ordinance No. 5078  
Case No. Z 04-131

Applicant: Memphis/Shelby County Office of Planning & Development  
Terry Emerick, Planning Director – Representative

Request: Adopt the comprehensive rezoning of the Frayser Planning District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**2,118 NOTICES MAILED ON OCTOBER 8, 2004**

**DIVISION OF PLANNING & DEVELOPMENT**

49. RESOLUTION adopting the Frayser Futures Comprehensive Plan for Growth and Development. (Companion Cases #Z04-131 and RC 04-402).

Peete

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

50. RESOLUTION approving a planned development located in the Ridgeway-Nonconnah Center Planned Development, Amended, containing 9.68 acres in Parcel B, P.D. 02-303. (Held from 10/5)

Peete

Case No. PD 04-339

Applicant: Acheson Properties, LLC  
Ronald Harkavy – Representative

Request: Amend conditions of Parcel B to permit Automobile Dealership (Acura of Memphis)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**54 NOTICES MAILED ON SEPTEMBER 24, 2004**

51. RESOLUTION approving a planned development located on the west side of Macon View Drive; +230 feet south of Macon Road, containing 0.40 acre and is currently governed by P.D. 03-352.

Peete

Case No. PD 04-354cc

Applicant: Coastal Fuels  
Fisher & Arnold Engs (Jud Te Paske) – Representative

Request: Add a “Specialty Meats Market” (a.k.a. a butcher’ shop) as a permitted use in Parcel 4

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**39 NOTICES MAILED ON OCTOBER 8, 2004**

52. RESOLUTION approving a street/alley closure extending west of North Second Street, 148.78 feet, midway between Greenlaw Avenue and Mill Avenue, containing 2454 Square Feet = 0.056 acre in the High Density Residential (HDR) District.

Peete

Case No. SAC 04-601

Applicant: Memphis Land Bank  
SR Consulting, LLC – Representative

Request: Close & Vacate Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**10 NOTICES MAILED ON OCTOBER 8, 2004**

**GENERAL ITEM**

53. RESOLUTION approving the election of City Council Chairman for 2005.

Brown

ACTION REQUESTED: Adopt the resolution

**ADJOURNMENT**